## REMARKS

Claims 1-51 are pending. Claims 1, 18 and 35 are independent.

Applicant has canceled claims 6, 9, 10, 23, 26, 27 and 40.

The examiner continues to use Herrington to reject claims 1-6, 9, 11, 14, 16, 18-23, 26, 28, 31, 33, 35-40, 45, 48 and 50 as having been anticipated.

Applicant respectfully disagrees in view of the following.

Claims 1, 18 and 35, as amended, recite "allowing a user to assign discrete incremental weight to at least one of said plurality of first search elements, the discrete incremental weight being a discrete value specified via an input device," or similar language. At least this quoted claim feature is neither disclosed nor described by Herrington.

A careful review of Herrington fails to find any mention of the words "discrete," "incremental," and/or "weight." Instead, the examiner chooses to ignore this fact and argue that this claimed feature is found in Herrington's "importance levels:"

> [0064] Illustrative display screen 136 and illustrative related-program find search configuration display screen 138 (hereinafter, configuration display screen 138) of FIG. 7a may be provided based on the illustrative steps of FIG. 6. The program guide may display configuration display screen 138 for an episode of Star Trek: The Next Generation when a user presses a single key of a remote control while a video for that episode of Star Trek: The Next Generation is being displayed. Configuration display screen 138 may contain an on-screen list of attributes for the given program, Star Trek: The Next Generation. ***The configuration display screen 138 may contain options for providing the user with an opportunity to assign various importance levels to the on-screen program attributes. The option may provide the user with an opportunity to assign different importance levels such as required, desired, ignored, or excluded to the program attributes.*** (Herrington, paragraph 0064) (emphasis added)

As anyone skilled in this art recognizes, the "importance levels" of Herrington are very different from applicant's "discrete incremental weight." Herrington's importance levels are specific user options assigned to program attributes, e.g., attribute "required," attribute "desired," attribute "ignored," or attribute "excluded." There is nothing incremental about these importance levels; they are distinct options. This is very different from allowing a user to assign discrete incremental weight to at least one of said plurality of first search elements. Accordingly, claims 1, 18 and 35 are not anticipated by Herrington.

The examiner uses Herrington and Graves to reject claims 7, 8, 12, 13, 24, 15, 29, 30, 41, 42, 46 and 47 as having been obvious.

Applicant respectfully disagrees in view of the following.

Claims 1, 18 and 35, as amended, recite "allowing a user to assign discrete incremental weight to at least one of said plurality of first search elements, the discrete incremental weight being a discrete value specified via an input device," or similar language. As described above, Herrington fails to teach or suggest at least this quoted claim feature. Graves fails to provide for the deficiencies of Herrington.

Graves discloses a method of selecting video programs based on viewers' preferences. More specifically, Graves teaches:

> The method includes various steps. First, a viewer preference file is stored which includes information pertaining to those attributes of audiovisual programs which affect the particular viewer and the degree of impact of those attributes on the viewer. Second, a plurality of content codes corresponding to a plurality of the audiovisual programs are received. Third, the viewer preference file is compared to the plurality of the corresponding content codes. Finally, at least one of the plurality of audiovisual programs is selected in response to the comparison for storage in the preferred viewing file and for eventual presentation to the viewer. (Graves, col. 2, lines 28-40)

Graves fails to teach, suggest, or even mention "discrete." Graves fails to teach, suggest or even mention "incremental." Graves teaches "weight" in the context of neural networks and viewer ratings, and not as a result of a discrete incremental value specified via an input device:

> Neural networks "learn from experience," that is, they adjust their weights (or synapses) based on a known set of inputs and the expected correct output. In order for a neural network to solve a problem, the weighing factors for the nodes first must be set to proper values according to the problem to be solved. This training procedure is performed by comparing the estimated grade of a given program with the actual grade which a viewer would assign that same program. For example, under the present invention, the weights are adjusted after a viewer gives an overall rating to a program just watched. In other words, the network may then be trained by comparing the grade it automatically formulated with the grade the viewer actually assigned after viewing the program. (Graves, col. 9, lines 4-18).

Thus, no combination of Herrington and Graves can teach or suggest applicant's quoted claim feature.

Assuming that there is a suggestion to combine Herrington and Graves, and there is no such suggestion, the resulting method would be options based on user ratings. Accordingly, claims 1, 18 and 35 are not obvious in view of Herrington and Graves, whether taken separately or in combination.

Claims 7, 8, 12, 13, 24, 15, 29, 30, 41, 42, 46 and 47 depend upon, and add further limitations to, independent claims 1, 18 and 35. Accordingly, claims 7, 8, 12, 13, 24, 15, 29, 30, 41, 42, 46 and 47 are not obvious in view of Herrington and Graves, whether taken separately or in combination.

The examiner uses Herrington, Graves and Allport to reject claims 10, 15, 27, 32, 44 and 49 as having been obvious.

Applicant canceled claims 10 and 27.

Claims 1, 18 and 35 are not obvious in view of Herrington, Graves and Allport. Claims 1, 18 and 35, as amended, recite "allowing a user to assign discrete incremental weight to at least one of said plurality of first search elements, the discrete incremental weight being a discrete value specified via an input device," or similar language. As described above, Herrington and Graves fail to teach or suggest at least this quoted claim feature. Allport is no help.

Allport fails to teach, suggest, or even mention "discrete." Allport fails to teach, suggest or even mention "incremental." Allport teaches "weight" in the context of viewing features:

> Size, weight, and the ability to operate in a wireless mode are critical features in providing an overall enhanced viewing experience. (Allport, col. 9, lines 43-45)

Accordingly, claims 1, 18 and 35 are not obvious in view of Herrington, Graves and Allport, whether taken separately or in combination.

Claims 15, 32, 44 and 49 depend upon, and add further limitations to, claims 1, 18 and 35. Accordingly, claims 15, 32, 44 and 49 are not obvious in view of Herrington, Graves and Allport, whether taken separately or in combination.

The examiner uses Herrington and Bates to reject claims 17, 34 and 51 as having been obvious.

Claims 18 and 35 are not obvious in view of Herrington and Bates. Herrington has been discussed above. Bates fails to teach, suggest, or even mention "discrete." Bates fails to teach, suggest or even mention "incremental." Bates fails to teach, suggest or even mention "weight."

Claims 17, 34 and 51 depend upon, and add further limitations to, claims 18 and 35. Accordingly, claims 17, 34 and 51 are not obvious in view of Herrington and Bates, whether taken separately or in combination.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Respectfully submitted,

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